

6
IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 4th day of June, 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO. 15703 OF 1998

BETWEEN :

Karnataka State Road
Transport Corporation,
Central Office,
K.H. Road,
Bangalore - 560 027,
(by its Chief Law Officer)

191
.. PETITIONER

(Sri Prasanna Kumar for
Sri K.L.N. Rao, Advocate)

A N D :

1. Ramachandra (deceased)
S/o Tippana Sagarkar
R/o Old Bhoi Galli,
H.No. 4-1286, Vidya Mandir,
Maktampur, Near Saraf Bazar,
Gulbarga
his Legal Representatives (LRs)

- a) Rukma bai
Wife of Sri. Ramachandra, major
 - b) Amita
D/o Ramachandra, Major
- h

10/2 ✓

- c) Ambadas
S/o Ramachandra, Major
- d) Vithal
S/o Ramachandra, Major
- e) Dhanraj
S/o Ramachandra, Major

2. Presiding Officer
Labour Court
Gulbarga

.. RESPONDENTS

Writ Petition filed under Article 226 & 227 of the Constitution of India, praying to issue a Writ of Certiorari or any other Writ or order or direction quashing the Award Annexure - A dated 5/4/97 of the Labour Court, Gulbarga in KID No. 101/95, etc.

This Writ Petition coming on for Preliminary hearing, this day, the Court made the following :

O_R_D_E_R_

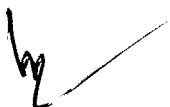
The petitioner, KSRTC, challenges the award passed by the Labour Court. The worker in question was working as an Artison. It is alleged that he was absented unauthorisedly from 28-3-1994 to 1-9-1994. On this allegation, an enquiry was held and the worker was found

h ✓

193

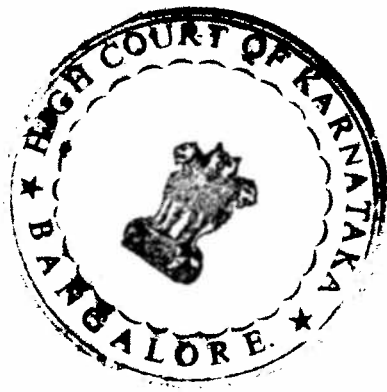
found guilty of unauthorised absence. Accordingly he was dismissed from service. Thereafter the worker raised a dispute under Section 10(4-A) of the I.D. Act challenging the dismissal order. The Labour Court after considering the respective contentions held that the domestic enquiry held is not fair and proper. The Management was called upon to lead evidence. But unfortunately the Management did not participate and lead evidence. Meanwhile the worker died. The Labour Court after considering all the issue set aside the order of dismissal and called upon the Management to pay 75% backwages or 75% of the current wages whichever is more from the date of claim petition i.e. 25-8-1995 till the death of the worker i.e. 16-5-1996. The said award is challenged by the Corporation in this proceeding.

I have heard Mr. Prasanna Kumar, learned counsel on behalf of Mr. K. Lakshminarayana Rao, learned counsel for the Corporation at length. I am satisfied that the



194

the award does not call for interference as the findings are a question of fact. But it has to ^{be} held that there is unauthorised absence. The Labour Court came to the conclusion that the charges have not been proved and it is not shown to be an unauthorised absence. Therefore the award of the Labour Court does not call for any interference. The writ petition is accordingly dismissed.



Sd/-
JUDGE

Vb/Hrp